

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF TAX APPEALS
FILE NO. K03-S-155**

MEESOON HAN AND JEFFREY PALMER
Represented by:
Self

APPELLANT

v.

ORDER NO. K-19157

**MADISON COUNTY PROPERTY
VALUATION ADMINISTRATOR**

APPELLEE

* * * * *

The Kentucky Board of Tax Appeals has delegated authority to a hearing officer pursuant to KRS 13B.030. The hearing officer entered a recommended order in compliance with the provisions of KRS 13B.110. No exceptions or objections to the recommended order were filed. The Board has reviewed the record and the recommended order. The recommended order states:

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND RECOMMENDED ORDER**

The Kentucky Board of Tax Appeals ("Board") has delegated authority to Bill Rice to act as a hearing officer pursuant to KRS 13B.030. The hearing officer has considered the evidence submitted by the parties at the hearing, and makes the following findings of fact, conclusions of law, and recommended order.

FINDINGS OF FACT

1. This is an appeal of the 2003 property tax assessment for property owned by Meesoon Han and Jeffrey Palmer located at 175 Pine Valley Drive, Berea, Kentucky.

2. Appellants filed a timely appeal with the Kentucky Board of Tax Appeals from the Madison County Board of Assessment Appeals decision, which reduced the Madison County Property Valuation Administrator's assessment from \$425,000.00 to \$375,000.00.

3. The property is a new 6,800 square foot custom built home. Appellants listed the property for sale one year ago when they both lost their jobs. The property has been vacant for over one year with no offers at a listing price of \$449,000.00. Appellants offered no other evidence of value.

4. The hearing officer finds the fair cash value of the property as of January 1, 2003, is \$375,000.00.

CONCLUSIONS OF LAW

1. The Kentucky Board of Tax Appeals is vested with exclusive jurisdiction to hear and determine appeals from final rulings, orders and determinations of the Madison County Board of Assessment Appeals pursuant to KRS 131.340(1).

2. The function of the Board is not simply to review the action of the local board, but to try anew the issues as presented. *Jefferson County Property Valuation Administrator v. Oxford Properties*, Ky. App., 726 S.W.2d 317, 319 (1987).

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3. Section 172 of the Kentucky Constitution mandates that all property "shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale."

4. The choice of the most appropriate and reliable approach to valuation is within the prerogative of the Board. *Jefferson County Property Valuation Administrator, supra* at p. 319.

5. Regardless of the manner or method used by the Property Valuation administrator or the decision of the Kentucky Board of Tax Appeals, the finding of valuation must be at its fair cash value, estimated at the price it would bring at a fair voluntary sale. *Helman v. Kentucky Board of Tax Appeals*, Ky. App., 554 S.W.2d 889 (1977).

6. The hearing officer finds the fair cash value of the property as of January 1, 2003, is \$375,000.00.

RECOMMENDED ORDER

The hearing officer recommends the final ruling of the Madison County BAA be affirmed, and that the fair cash value of the property as of January 1, 2003, be set at \$375,000.00.

This is a recommended order, and each party shall have fifteen (15) days from the date of this recommended order is mailed to file exceptions to the recommendations with the Kentucky Board of Tax Appeals. This recommended order has been sent by first class mail on the date below to the last known address of the parties. Failure to file exceptions to the recommended order may preclude further judicial review.

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ORDER

The Kentucky Board of Tax Appeals has considered the record, and accepts the recommended order of the hearing officer, and adopts it as the Board's final order. Failure to file exceptions to an administrative hearing officer's recommendations after a hearing constitutes a failure to exhaust administrative remedies and precludes appellate review. *Swatzell v. Natural Resources and Environmental Protection Cabinet*, Ky App 962 SW 2d 866 (1998). The following information is provided pursuant to the final order requirements of KRS Chapter 13B:

This is a final and appealable order which may be appealed to the Circuit Court of the county in which the appeal originated by filing a petition of appeal in the appropriate Circuit Court within thirty (30) days after this final order is mailed or delivered by personal service, pursuant to KRS 13B.140(1) and KRS 131.370(1). Copies of the petition of appeal shall be served by the Petitioner upon the Kentucky Board of Tax Appeals and all parties of record. The petition of appeal shall include the names and addresses of all parties to the proceedings and the Kentucky Board of Tax Appeals, and a statement of the grounds on which the review is requested. The petition of appeal shall be accompanied by a copy of this final order. Within twenty (20) days after service of the petition of appeal, or within further time allowed by the Circuit Court, the Kentucky Board of Tax Appeals shall transmit to the reviewing court the original or a certified copy of the official record of the proceeding under review in compliance with KRS 13B.140(3).

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**DATE OF ORDER
AND MAILING:
June 15, 2004**

BILL RICE
KENTUCKY BOARD OF TAX APPEALS

ATTEST:

BILL BEAM, JR.
EXECUTIVE DIRECTOR